

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-11-CF-0043
Pyong Kon Eun)	
)	Citation No.: C201132340003
Knoxville, TN)	
)	
)	

CITATION

ILLEGAL MARKETING OF SIGNAL JAMMING DEVICES

Adopted: May 19, 2011

Released: May 20, 2011

By the District Director, Columbia Office, Northeast Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (“Communications Act”),¹ to Pyong Kon Eun for marketing in the United States unauthorized radio frequency devices – cell phone signal blockers and GPS signal jammers – in violation of section 302(b) of the Communications Act,² and section 2.803 of the Commission’s rules (“Rules”).³

2. Pyong Kon Eun should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. These jamming devices pose significant risks to public safety and other radio communications services. As explained below and as provided in the Communications Act, future violations of the Commission’s rules in this regard may subject Pyong Kon Eun to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. On April 16, 2011, an agent from the Enforcement Bureau’s Columbia Office, in response to a complaint, attended the C & E Gun Show at the Dulles Expo Center in Chantilly, Virginia. Pyong Kon Eun, a vendor at the gun show, offered to sell the agent cell phone signal blocker devices and GPS signal jammer devices (collectively, “jammer devices”). Pyong Kon Eun explained to the agent that the devices can jam both wireless and GPS networks and that their jamming ranges extend from 10 meters to well over 100 meters.

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. § 2.803(a)(1).

III. APPLICABLE LAW AND VIOLATIONS

4. Federal law prohibits the marketing and operation of signal jamming devices in the United States and its territories. Section 333 of the Communications Act states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.”⁴ In addition, section 302(b) of the Communications Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.”⁵

5. The applicable implementing regulations for section 302(b) are set forth in sections 2.803, 15.201 and 15.3(o) of the Rules.⁶ Section 2.803(a)(1) of the Rules provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.⁷

Additionally, section 2.803(g) of the Rules provides in relevant part that:

[R]adio frequency devices that could not be authorized or legally operated under the current rules ... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.⁸

6. Pursuant to section 15.201(b) of the Rules,⁹ intentional radiators¹⁰ like signal jamming devices cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission’s certification procedures. Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.”¹¹

7. Signal jamming devices, however, cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications. As noted above, a device intended for such use is clearly prohibited by section 333 of the Communications Act. Thus, signal jamming devices such as those offered by Pyong Kon Eun cannot comply with the FCC’s technical standards and therefore cannot be marketed lawfully in the United States or its territories.

⁴ 47 U.S.C. § 333.

⁵ 47 U.S.C. § 302a(b).

⁶ 47 C.F.R. §§ 2.803, 15.201, and 15.3(o).

⁷ 47 C.F.R. § 2.803(a)(1).

⁸ 47 C.F.R. § 2.803(g).

⁹ 47 C.F.R. § 15.201(b).

¹⁰ An “intentional radiator” is a “device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. § 15.3(o).

¹¹ 47 C.F.R. § 2.803(e)(4).

8. Pyong Kon Eun offered to sell to an individual (an undercover Enforcement Bureau agent) jammer devices at the C & E Gun Show held on April 16, 2011 at the Dulles Expo Center in Chantilly, Virginia. Accordingly, we find that Pyong Kon Eun has violated section 302(b) of the Communications Act and section 2.803 of the Rules by marketing in the United States radio frequency devices that are not eligible for certification. We therefore issue this Citation to Pyong Kon Eun for violating the Rules as discussed above. Pyong Kon Eun should take immediate steps to ensure that he does not import, advertise, or sell jammer devices.

IV. REQUEST FOR INFORMATION

9. Pursuant to sections 4(i), 4(j), and 403 of the Communications Act,¹² Pyong Kon Eun is directed to provide the following information within 30 (thirty) calendar days after the release date of this Citation: Name and mailing address of the source(s), manufacturer(s), distributor(s) and/or importer(s) from whom Pyong Kon Eun acquired the jammer devices and any invoices reflecting the purchase and/or sale of a jammer device.

V. FUTURE COMPLIANCE

10. If, after receipt of this Citation, Pyong Kon Eun violates the Communications Act or the Commission's rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation and up to \$112,500 for any single act or failure to act.¹³ In addition, violations of the Communications Act or the Rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.¹⁴

11. Pyong Kon Eun may respond to this Citation within 30 (thirty) calendar days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by Pyong Kon Eun to ensure that he does not violate the Commission's rules governing the marketing of cell and GPS jammers and radio frequency devices in the future. Please reference file number EB-11-CF-0043 when corresponding with the Commission.

12. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.¹⁵ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.¹⁶ Please also note that section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.¹⁷

¹² 47 U.S.C. §§ 154(i), 154(j), 403.

¹³ See 47 U.S.C. § 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (see *id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

¹⁴ See 47 U.S.C. § 510.

¹⁵ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹⁶ See 18 U.S.C. § 1001 *et seq.*

¹⁷ 47 C.F.R. § 1.17 (“... no person subject to this rule shall: (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”)

VI. CONTACT INFORMATION

13. The closest FCC Office is the Atlanta District Office in Atlanta, Georgia. Pyong Kon Eun may contact Salomon Sathe by telephone, 301-725-1996, to schedule a personal interview, which must take place within Thirty (30) calendar days after the release date of this Citation. You should send any written statement within thirty (30) calendar days after the release date of this Citation to:

Salomon Sathe
Federal Communications Commission
Columbia Field Office
9200 Farm House Lane
Columbia, MD 21046
Re: EB-11-CF-0043

14. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) calendar days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format):
202-418-0531 (voice), 202-418-7365 (tty).

VII. ORDERING CLAUSES

15. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Pyong Kon Eun at 10720 Pinedale Drive, Knoxville, Tennessee, 37922-3130.

FEDERAL COMMUNICATIONS COMMISSION

Salomon Sathe
District Director
Columbia Office
Northeast Region
Enforcement Bureau